IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1319 of 2005

Between:

BDJ Satyalatha, W/o. G. Devakumar,
AC College, Guntur.

..... PETITIONER

AND

1 The Correspondent, Andhra Christian College, Guntur.
2 The Principal, Andhra Christian College, Guntur.
3 The Commissioner and Director of Collegiate Education,

Government of A.P., Hyderabad.
4 The Government of A.P., rep. by its Principal Secretary,

Higher Education Dept., Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring the action of the third respondent in not approving the proposal submitted by the first respondent management dt. 5.9.2001 in absorbing the petitioner in aided post of Lecturer Zoology as illegal, improper, unjust, arbitrary and further direct the third respondent to absorb her in the aided post of lecturer in Zoology from the date of vacancy with all consequential benefits including monetary seniority etc., and pass such other orders or orders in the interest of justice.

Counsel for the Petitioner :MR.K.G.KRISHNA MURTHY

Counsel for the Respondent Nos.1 and 2: None appeared

Counsel for the Respondent Nos.3 and 4 : GP FOR HIGHER EDUCATION

The Court at the stage of admission made the following :

ORDER:

The petitioner filed the present Writ Petition seeking a writ of Mandamus declaring the action of the third respondent in not approving the proposal submitted by the first respondent-management dated 05-09-2001 in absorbing the petitioner in aided post of Lecturer Zoology as illegal and arbitrary.

Learned counsel for the petitioner contended that the petitioner was duly selected in the selection process in the unaided post and thereafter as and when the vacancy arises in the aided post, the petitioner has to be absorbed in the aided vacancy and therefore, the third respondent made recommendations to the fourth respondent to absorb the petitioner. He further contended that since no action has been taken by the fourth respondent on the recommendations made by the third respondent, the petitioner has filed the present Writ Petition.

On the other hand, learned Government Pleader for Higher Education contended that there is procedure for selecting the candidates to the posts of aided vacancy and the fourth respondent has to follow the procedure in accordance with rules and regulations. Hence, she contended that the petitioner has no right to claim for absorption in the aided vacancy of the first and second respondents' college.

Learned Counsel for the petitioner brought to the notice of this court, the proceedings dated 10-03-2003, issued by the Commissioner and Director of Collegiate Education-third respondent herein, directing the second respondent to submit certain information regarding the procedure followed for recruiting the candidates in aided posts, and the second respondent through his letter dated 27-03-2003 clarified all the information required by third respondent. He also further submits that though the said information was submitted three months back, no action has been taken by the third respondent in absorbing the petitioner into grant-in-aid vacancy as lecturer in the same college.

Hence, this Writ Petition is disposed of directing the third respondent to consider the case of the petitioner for absorption into grant-in-aid vacancy with reference to the proposals submitted by the first and second respondents and also in accordance with the rules and regulations, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

K.C.BHANU, J.

Dt: 02-02-2005.

Note:

CC in two days.

(B/O)

RNS

To

1 The Correspondent, Andhra Christian College, Guntur.

2 The Principal, Andhra Christian College, Guntur.

3 The Commissioner and Director of Collegiate Education,

Government of A.P., Hyderabad.

4 The Principal Secretary,

Government of A.P.,

Higher Education Dept., Secretariat, Hyderabad.

5 Two CCs to G.P.for Higher Education,

High Court of A.P.,Hyderabad(OUT)

6 Two CD copies.